



PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 07-2533)

In re Application of:)
)
Rollin, R.)
) Examiner: TBA
U.S. Application No.: 10/587,290)
) Group Art Unit: Not known
U.S. Filing Date: August 7, 2006)
) Confirmation No. 7271
For: Breast Cap Part and Breast Cap for)
Using the Breast Cap Part)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.47(a)

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed March 28, 2007, and pursuant to 37 C.F.R. § 1.47(a), a Petition under 37 C.F.R. § 1.47(a) is enclosed herewith.

This Petition is being submitted with: (i) a statement of facts; (ii) proof of the pertinent facts; (iii) the fee set forth at 37 C.F.R. § 1.17(g); and (iv) the last known address of the inventor.



The last known address of non-signing inventor Richard Rollin is:
Sonnenberg 16, 6313 Menzingen, Switzerland

The undersigned respectfully submits that Richard Rollin is unwilling to execute the Declaration for the present application. Mr. Rollin left employment with the company which owns the rights to the present application (Medela) on April 8, 2006. The present relationship between Mr. Rollin and Medela is reportedly not a good one. As evidence, a letter is enclosed as Exhibit A, which documents this point.

As evidenced by Exhibit A, numerous attempts were made to obtain Mr. Rollin's signature for which Mr. Rollin is a named inventor. In each attempt, Mr. Rollin refused to sign declarations or other formal papers (assignments). A copy of a signed statement by the CEO of Medela, Mr. Urs Tanner, is provided in the Exhibit as proof thereof. In the statement, Mr. Tanner documents that Mr. Rollin has been presented with a copy of said application and instructions to sign a declaration. Mr. Rollin was asked different times by phone to sign the documents and has refused the request every time. Medela reportedly prefers to not contact Mr. Rollin any longer due to the strained relationship and therefore, it is believed that Mr. Rollin will continue to refuse to sign declarations or any other formal papers for this or any other applications.

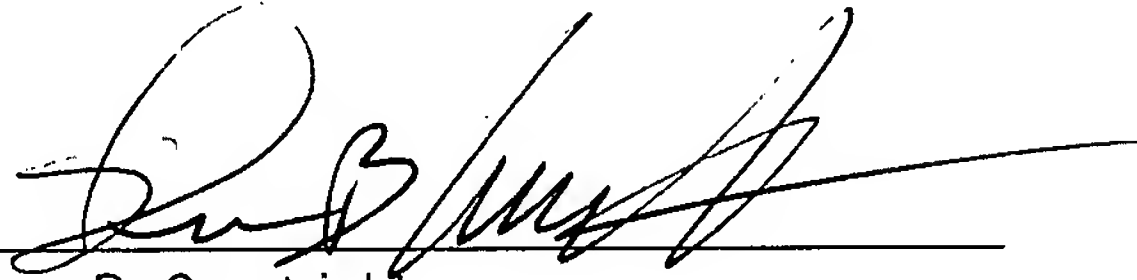
Based on such diligent efforts to obtain Richard Rollin's signature on the declaration for this case, it is believed that the requirements of 37 C.F.R. § 1.47(b) and MPEP § 409.03 have been met.

The undersigned, Steven B. Courtright, has not received a signed Declaration from Mr. Richard Rollin, for this application. I have reviewed the file jacket for this application which contains all of the correspondence for this application and find no signed Declaration of Richard Rollin or any correspondence from Richard Rollin of any kind related to the Declaration.

The Applicant requests that this Petition be granted as it is proper and complete.
This Petition is being submitted with the fee set forth in 37 C.F.R. § 1.17(g).

Respectfully submitted,

Date: April 9, 2007



Steven B. Courtright
Registration No. 40,966
McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive, Ste. 3100
Chicago, IL 60606
Tel: 312 913 0001
Fax: 312 913 0002



EXHIBIT A

**Signatures of Richard Röllin as the inventor in the Medela patent application USA
Nr. 10/587.290 of January 01, 2005 (according to PCT/CH2005/000024)**

We confirm

that we have sent by mail any formulars as declarations to Richard Röllin on May 18, 2006 concerning the patent application in US above with the oral instruction to sign the documents by himself.

Because he refused to do so (Richard Röllin left Medela AG April 8, 2005 (last working day)) we asked him different times by phone during the month of June 2006 to sign the documents. He rejected our request every time.

Medela Holding AG



Urs Tanner
CEO

January 29, 2007